IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 5TH JANUARY 2007 / 15TH POUSHA, 1928

Crl.MC.No. 38 of 2007()

CC.452/2002 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, TRIVANDRUM

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PETITIONER: ACCUSED

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1. JAYAKUMAR S/O. NATARAJAN,
   GED 40 YEARS RESIDING AT KADAYIL VEEDU,
   MAMOOD, MADAVOOR, PALLIKKAL,
   THIRUVANANTHAPURAM.

2. MOHAN, S/O. NATARAJAN, AGED 44 YEARS,
   RESIDING AT AISWARYA LEKSHMI,
   PULIYARAKKONAM P.O. MADAVOOR,
   PALLIKKAL, THIRUVANANTHAPURAM.

3. SREEMATHY AMMA, AGED 56 YEARS,
   RESIDING AT KADAYIL VEEDU,
   PULIYARAKONAM P.O., MADAV OOR,
   PALLIKKAL, THIRUVANANTHAPURAM.

4. BEENA, D/O. SREEMATHY AMMA,
   AGED 28 YEARS, RESIDING AT KADAYIL VEEDU,
   PULIYARAKONAM P.O. MADAVOOR, PALLIKKAL,
   THIRUVANANTHAPURAM.

BY ADV. SRI. K.SIJU
SRI.A.MUHAMMED RAFFI

RESPONDENTS: COMPLAINANT/STATE

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1. JYOTHIMOL, D/O. SAROJAM ,
   AGED 32 YEARS, RESIDING AT T.C.21/566,
   SUDHA NIVAS, KEEZHARANNUR KARAMANA,
   THIRUVANANTHAPURAM.FROM DEJO VIHAS,
   PAPPALA, KILIMANNOOR.

2. STATE OF KERALA REP. BY
   PUBLIC PROSECUTOR SRI.GIKKU JACOB.
   HIGH COURT OF KERALA AT ERNAKULAM.

BY ADV. SRI.PRATHEESH.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO.38 OF 2007

Dated this the 5th day of January, 2007

ORDER

The petitioners are the accused in a private complaint lodged by the 1st respondent. The 1st petitioner is the husband of the 1st respondent and the other petitioners are the relatives of the 1st petitioner. The private complaint was filed by the 1st respondent alleging the commission of the offences punishable, inter alia, under Sec.498A of the IPC. Cognizance was taken before the learned Judicial Magistrate of the First Class-II, Thiruvananthapuram, as C.C.No.452/02.

2. The petitioners have now come before this Court to report to this Court that the matrimonial disputes have already been settled now and the 1st respondent has compounded all the offences allegedly committed by the petitioners. The parties have come to terms. Divorce by mutual consent has been effected. All the proceedings have been withdrawn and brought to termination. In these circumstances, it is prayed jointly by the petitioners and the 1st respondent that the criminal prosecution initiated by the 1st

respondent which has lost all its relevance and significance now may be brought to premature termination by invoking the powers under Sec.482 of the Cr.P.C. The offence under Sec.498A of the IPC is, of course, non-compoundable; but relying on the decisions in **B.S. Joshy v. State of Haryana** (AIR 2003 SC 1386) and **Thankamma v. State of Kerala** (2006 (3) K.L.T. 846) the powers under Sec.482 of the Cr.P.C. may be invoked, it is prayed.

3. It is by now trite that the interests of justice may in an exceptional case transcend the interests of mere law and in such cases the High Court is justified in invoking the extraordinary jurisdiction under Sec.482 of the Cr.P.C. to quash the proceedings even when the offence is non-compoundable.

4. I am satisfied that the instant one is an ideally fit case where the spouses have settled their matrimonial disputes harmoniously. There are compelling reasons to invoke the jurisdiction under Sec.482 of the Cr.P.C. and save all concerned of the unnecessary trauma of criminal proceedings pending against them.

5. This Crl.M.C. is, in these circumstances, allowed.

C.C.No.452/02 pending before the Judicial Magistrate of the First Class-II, Thiruvananthapuram, is hereby quashed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge